

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARLO CASTRO,

Plaintiff,

V.

HIKE RIGHT, LLC., et al.,

Defendant.

CASE NO. C23-6066 BHS

ORDER

THIS MATTER is before the Court on plaintiff Carlo Castro's motion for attorney's fees and costs, following his acceptance of Defendant Hire Right's Federal Rule of Civil Procedure 68 Offer of Judgment. Dkt. 37. Castro seeks \$15,130 in fees, claiming that his attorneys reasonably spent 35.6 hours at a reasonable rate of \$425 per hour resolving the case. Castro also seeks the fees incurred in filing his motion for fees, which is itself 17 pages long, with 600 pages of exhibits. *Id.* He also seeks \$199 in costs.

Hire Right contends that Castro's fee request is unreasonable. It argues Castro used a "cut and paste" complaint and that "nothing happened" in the case between its filing and its settlement. It argues that a reasonable rate is \$350, and that 8.5 hours are reasonable. Dkt. 43. It also asks the Court to reduce that amount by 10% under the *Kerr*

1 factors. *Id.* (citing *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 69–70 (9th Cir. 1975),
 2 abrogated on other grounds by *City of Burlington v. Dague*, 505 U.S. 557 (1992)). Hire
 3 Right also argues that Castro is not entitled to the fees incurred in filing a motion for fees,
 4 because the accepted Offer of Judgment is a contract, which capped the fees at those
 5 incurred “through the date of service” of the Offer of Judgment. Dkt. 43 at 5 (citing Dkt.
 6 44-1 at 5 (offer of judgment)).

7 The first step in determining reasonable fees is to calculate the lodestar figure, by
 8 taking the number of hours reasonably expended on the litigation and multiplying it by
 9 the appropriate hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The Court
 10 should exclude overstuffed, redundant, or unnecessary time. *Id.* at 434. The Court must
 11 also consider the extent of Plaintiffs’ success, as that is a “crucial factor” in determining
 12 an appropriate award. *Id.* at 440.

13 Castro filed his case on November 11, 2023. Dkt. 1. He accepted Hire Right’s
 14 Rule 68 Offer of Judgment, for \$7,251.00, on March 1, 2024. Dkt. 28. His counsel
 15 contends that she has “determined the \$425 per hour is a reasonable rate,” Dkt. 37-1 at 2,
 16 though she concedes she was awarded \$350 as a reasonable rate in a similar case in this
 17 District two years ago. *Id.* at 4.

18 Counsel attaches a “spreadsheet” (not a bill) that she contends is an accurate
 19 reflection of the time she spent on Castro’s case against Hire Right. Dkt. 37-3. It includes
 20 2.3 hours of research on Hire Right, about 7 hours to draft and file the Complaint, almost
 21 an hour to draft and review the Summons, and an hour to review Hire Right’s Answer. It
 22

1 includes 4.3 hours for reviewing discovery requests, 4.2 hours for reviewing and
2 evaluating the Offer of Judgment, and 7.4 hours for the post- acceptance fee motion. *Id.*

3 The Court agrees that these fees were not reasonably expended on a case that the
4 plaintiff promptly settled for less than half of the fees requested. Rates and hours must be
5 reasonable, in light of all the circumstances, including the amount at stake. It should not
6 have taken an experienced attorney 7 hours to draft the complaint in this case, or for any
7 attorney to spend an hour reviewing a boilerplate-denial-and-list-of-affirmative-defenses
8 Answer. It does not take an hour to draft a summons. Castro does not contend that the
9 discovery his attorney reviewed advanced the case, or even that it was served. It is
10 difficult to view 4.3 hours drafting discovery as reasonable in these circumstances.
11 Counsel does not explain why reviewing the offer of judgment took more than 4 hours; it
12 should not have. Finally, the Court will not award fees for the fee motion itself, because
13 such additional fees were excluded from the terms of the Offer of Judgment that Castro
14 accepted.

15 The Court will award 10 hours at \$375 per hour for the work performed on
16 Castro's behalf, or \$3,750.00 in reasonable attorneys' fees, plus \$199.00 in costs. The
17 parties shall inform the Court that the fees and costs have been paid within 15 days, and
18 the Court will terminate Hire Right and dismiss the case. Castor's motion for fees and
19 costs is, to this extent, **GRANTED**.

20 **IT IS SO ORDERED.**

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1 Dated this 29th day of July, 2024.

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BENJAMIN H. SETTLE
United States District Judge